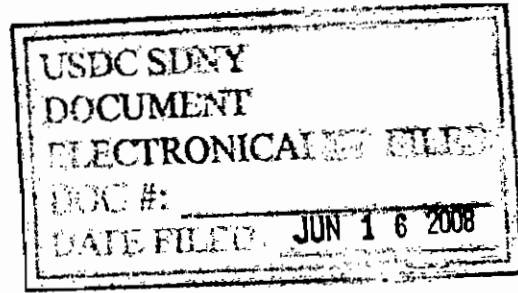


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JENNA BARENBOIM, JOSE ORTIZ, and
REVANS RAGBIR, on behalf of themselves
and all others similarly situated,

Plaintiffs,

-v-

No. 08 Civ. 3318 (LTS)

STARBUCKS CORPORATION,

Defendant.

-----X
JULIANNE HARAYDA, on behalf of herself
and all others similarly situated,

Plaintiff,

-v-

No. 08 Civ. 4182 (LTS)(JCF)

STARBUCKS CORPORATION,

Defendant.

-----X
LAURA TAYLOR SWAIN, UNITED STATES DISTRICT JUDGE

ORDER CONSOLIDATING CASES

The Court is in receipt of Defendant Starbucks Corporation's ("Defendant") motion to consolidate the two above-captioned putative class actions brought against it ("Barenboim" and "Harayda"), both of which involve common questions of law and fact. Additionally, counsel for the Harayda plaintiffs have requested that a third putative class action, Lawrence v. Starbucks Corporation, 08-cv-3734 (LTS) ("Lawrence"), also be consolidated with the other two cases. There has been no opposition to the application to consolidate Barenboim and Harayda, but there has been opposition to the request to consolidate Lawrence.

Pursuant to Rule 42 of the Federal Rules of Civil Procedure, the Court may consolidate “actions involving a common question of law or fact.” Fed. R. Civ. P. 42(a). The Court is granted broad discretion in its determination of whether consolidation is appropriate. Johnson v. Celotex Corp., 899 F.2d 1281, 1284-85 (2d Cir. 1990).

The Court finds that Barenboim and Harayda present common factual and legal issues, will involve similar subject matter and similar issues related to class certification. Accordingly, the Court finds that the actions should be consolidated, in the interests of judicial economy. At this stage, however, the Court denies the request of the Harayda plaintiffs’ counsel to consolidate Lawrence, without prejudice to the filing of a motion to consolidate Lawrence in the future. It is hereby ORDERED as follows:

A. CONSOLIDATION

1. The above-captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a). The consolidated cases do not include Lawrence v. Starbucks Corporation, 08-cv-3734 (LTS) . The consolidated cases shall be referred to collectively as In re Starbucks Employee Gratuity Litigation, Master File No. 08 Civ. 3318 (LTS).
2. No action taken hereunder shall have the effect of making any person, firm or corporation a party to any action in which the person or entity has not been named, served, or added as such in accordance with the Federal Rules of Civil Procedure.

B. MASTER DOCKET AND SEPARATE ACTION DOCKETS

1. A Master Docket is hereby established for the consolidated proceedings in the actions

consolidated herein and any other actions subsequently consolidated with them for pretrial purposes (the "Consolidated Actions"). Entries in said Master Docket shall be applicable to the Consolidated Actions, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.

C. MASTER FILE AND SEPARATE ACTION FILES

1. A Master File is hereby established for the consolidated proceedings in the Consolidated Actions. The Master File shall be Civil Action No. 08 Civ. 3318 (LTS). The original of this Order shall be docketed by the Clerk of Court in the Master File herein established.
2. The Clerk shall maintain a separate file for each of the Consolidated Actions, and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by Section ___ of this Order. The Clerk shall docket a copy of this Order in each such separate file. Once the Clerk has docketed this Order, counsel of record in each of the Consolidated Actions will receive a Notice of Electronic Filing.

D. NEWLY FILED OR TRANSFERRED ACTIONS

1. When a class action that relates to the same subject matter as the Consolidated Actions is hereafter filed in or transferred to this Court, assigned to the undersigned, it shall be consolidated with these actions in the same manner as the cases identified in Section A above (provided that any case transferred to this Court solely for pretrial proceedings shall be consolidated only to that extent absent further order of this Court), **unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order**

or from any of its provisions within ten (10) days after the date on which the Clerk notifies counsel for that party of this Order. The provisions of this Order shall apply to such action pending the Court's ruling on the application. Upon consolidation, the Clerk of Court shall:

- (a) Docket a copy of this Order in the file for newly filed or transferred actions.
- (b) Make an appropriate entry in the Master Docket.

2. The Court requests the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any case which might properly be consolidated with these actions.
3. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead or otherwise move with respect to that complaint in any such case. If a plaintiff in any such case is permitted to use a separate complaint, each defendant shall have thirty days from the date the Court grants such permission within which to answer, plead or otherwise move with respect to any such complaint.

E. CAPTIONS

1. Every pleading filed in the Consolidated Action, and in any separate action included therein, shall bear the following caption:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE STARBUCKS EMPLOYEE :
GRATUITY LITIGATION :
:
:
:
:
This Document Relates To: :
:
:
:
:
_____ X

MASTER FILE
08 Civ. 3318 (LTS)

2. When a pleading is intended to be applicable to all actions to which this Order applies, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption. When a pleading is intended to apply to fewer than all of such actions, the docket number for each individual action to which it is intended to apply and the name of the plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption.

F. FILING AND DOCKETING PAPERS

1. When a pleading or other paper is filed, the parties shall electronically or manually file such paper pursuant to this Court’s Guidelines and Amended Instructions for Electronic Case Filing.

(a) When a pleading or other paper is electronically filed and the caption, pursuant to this Order, shows that it is applicable to “All Actions,” the parties shall electronically file such paper in the Master File only. Docket entries shall not be made to each separate action.


If the caption shows that it is applicable to fewer than “All Actions,” the parties shall electronically file such paper in the Master File and electronically file such paper to the action to which it applies.

(b) When a pleading or other paper is manually filed and the caption, pursuant to this Order, shows that it is applicable to “All Actions,” the parties shall submit to this Court the original paper for the Master File. No copies shall be submitted for each separate action. Upon receiving the original paper, the Clerk shall docket the paper to the Master File only. Docket entries shall not be made to each separate action.

If the caption shows that it is applicable to fewer than "All Actions," the parties shall submit to this Court the original paper for the Master File and copies of such paper for the action to which it applies. Upon receiving the papers, the Clerk shall docket the original paper to the Master File and docket copies of such paper to the action to which it applies.

SO ORDERED.

Dated: New York, New York
June 16, 2008



LAURA TAYLOR SWAIN
United States District Judge